

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

JAN HAGGINS and)
TENDAI HAGGINS,)
)
 Plaintiff,)
)
 v.) Case No. CV615-039
)
 CARRINGTON MORTGAGE)
 SERVICES, LLC and)
 MORTGAGE ELECTRONIC)
 REGISTRATION SYSTEMS, INC.,)
)
 Defendants.)

REPORT AND RECOMMENDATION

Pro se plaintiffs Jan and Tendai Haggins brought this action to halt their home's foreclosure sale. Doc. 1-1 at 2-17. Among other things, they question whether the foreclosing lender owns their mortgage debt. *Id.* at 4-6. Defendants Carrington Mortgage Services, LLC and Mortgage Electronic Registration Systems, Inc., move to dismiss. Doc. 4. Their motion shows that Carrington in fact owns the debt. Doc. 5 at 5. They also contend that the injunctive relief plaintiffs seek (halt the foreclosure) is now moot because plaintiffs failed to tender the amount due and timely obtain an injunction; the foreclosure has since occurred. *Id.* at 3-4.

Finally, defendants argue that the Hagginses fail to state a claim on their “assignment” and “Internal Revenue Code” violations. *Id.* at 5-6.

Plaintiffs have filed no response, so the defendants’ motion is unopposed under Local Rule 7.5 (“Failure to respond within the applicable time period shall indicate that there is no opposition to a motion.”); *Carr v. U.S. Postal Service*, 2010 WL 1955963 (S.D. Ga. Apr. 12, 2010). The motion also is legally supported. The Court should therefore **GRANT** it (doc. 4) and **DISMISS** this case **WITH PREJUDICE**.

SO REPORTED AND RECOMMENDED, this 26th day of May, 2015.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA